

Docket No.: 283108007US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Berkun et al.

Application No.: 09/876,943

Confirmation No.: 9074

Filed: June 8, 2001

Art Unit: 2144

For: INTERPRETIVE STREAM METADATA
EXTRACTION

Examiner: G. C. Bengzon

REPLY BRIEF (37 C.F.R. SECTION 41.41)

Mail Stop Appeal Briefs-Patent
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INTRODUCTORY COMMENTS

This Reply Brief is responsive to the Examiner's Answer mailed on November 1, 2006, and is in furtherance of the Notice of Appeal filed on April 20, 2006, and the Appeal Brief filed on August 21, 2006.

ARGUMENTS

In the following sections, the appellant summarizes arguments raised by the Examiner in the Examiner's Answer and addresses these arguments in an order corresponding to the arguments in the Appeal Brief.

I. Whether the terms "authoritative metadata" and "authoritative source" as used in applicant's claims have a well-defined meaning

In the Examiner's Answer, the Examiner argues that the terms used by appellant to explain the usage of "authoritative" in the claims are relative and indefinite. Examiner's Answer, p.11. However, the Examiner is applying the wrong standard. There is no requirement that the terms used by appellant for clarification, which are not in the claims, satisfy 35 U.S.C. § 112. Rather, the question is whether a person experienced in the field of the invention would understand the scope of the claim when read in light of the specification. As discussed in the Appeal Brief, appellant's claims use these terms in a manner that is consistent with the meaning in the specification as well as the ordinary meaning of these terms found in a dictionary. Appellant submits that one of ordinary skill in the art would understand the scope of these claims when read in light of the specification, and therefore these claims are not indefinite.

Based on the arguments made here and in the Appeal Brief, appellant respectfully requests that the Board reverse the rejection of claims 1-17 under 35 U.S.C. § 112, second paragraph.

II. Whether Srivastava discloses modifying metadata associated with media if the contents of a field of metadata do not match the contents of at least one field of authoritative metadata

First, the Examiner argues that the disclosure in Srivastava of querying a database teaches the concept of comparing the contents of metadata. Examiner's Answer, p.13. However, as discussed in the Appeal Brief, comparison involves gathering the metadata from two sources and then examining the similarities and differences between the metadata from each of the sources. Srivastava does not disclose gathering the metadata

from two sources and performing a comparison. Rather, Srivastava describes either (1) gathering metadata from the media itself, or, (2) when the metadata is not available from the media itself, gathering the metadata from an auxiliary source: "[a]uxiliary metadata sources provide the information which is not obtainable by processing the media itself." Srivastava col.5:13-14. Because a particular piece of metadata is only retrieved from a single source in Srivastava, Srivastava does not describe the comparison of metadata.

Next, the Examiner argues that the disclosure in Srivastava of modifying annotations teaches the concept of modifying metadata. Examiner's Answer, p.13-14. The Examiner appears to misunderstand the nature of annotations in Srivastava. The annotations of Srivastava are a user-modifiable list of fields of metadata to be gathered for each media instance and placed in the XML database described by Srivastava. For example, one annotation is "MA_TITLE" which is a placeholder for the title of the media. Srivastava, Table at col. 5. After a user has selected the annotations for which metadata will be gathered for each media instance, Srivastava begins the process described above of gathering the metadata, "[t]he primary task performed by the transformer 116 is organizing the set of captured attributes and partitioning them semantically into such predetermined logical annotations." Srivastava, col. 6:4-7. The annotations are not metadata, but rather specify how the metadata is semantically organized. Therefore, the disclosed process of the user adding and removing annotations does not disclose modifying metadata.

Based on the arguments made here and in the Appeal Brief, appellant respectfully requests that the Board reverse all of the rejections under 35 U.S.C. § 102(b), each of which depends on Srivastava teaching comparing and modifying metadata.

III. Whether the combination of Srivastava and Chu discloses determining if a media file is unavailable or corrupt

The Examiner argues that the disclosure of a URL in Srivastava describes the handling of unavailable metadata recited in appellant's claims 4 and 12. Examiner's Answer, p.16. Although the Examiner describes a URL that contains erroneous data, there

is no discussion in Srivastava of either a URL that points to media that is unavailable or corrupt or any action to take in response to such an event.

The Examiner also argues that the synching performed by Chu is performed in response to an "unavailable media" condition. Examiner's Answer, p.16. However, Chu describes synchronizing metadata being edited by multiple authors and does not describe any condition of the media itself being unavailable, "for example, the metadata synchronizer 118 may monitor a document object that is opened by a file manager application [for metadata changes]." Chu, col.3:44-46. As shown in this example, the media (the document object) is available and being accessed by the user when Chu is monitoring for metadata changes. Therefore, Chu does not teach determining if a media file is unavailable or corrupt, or taking any action in response to such a determination.

Based on the arguments made here and in the Appeal Brief, appellant respectfully requests that the Board reverse the rejection of claims 4 and 12 under 35 U.S.C. § 103(a) over Srivastava and Chu.

IV. Closing

Based on the arguments made here and in the Appeal Brief, appellant respectfully requests that the Board reverse each of the rejections.

Dated:

1/3/2007

Respectfully submitted,

By

J. Mason Boswell

Registration No.: 58,388

PERKINS COIE LLP

P.O. Box 1247

Seattle, Washington 98111-1247

(206) 359-8000

(206) 359-7198 (Fax)

Attorney for Applicant